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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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21005	7590	05/09/2005	EXAMINER	
HAMILTON, BROOK, SMITH & REYNOLDS, P.C.			SHARMA, SUJATHA R	
530 VIRGINIA ROAD			ART UNIT	
P.O. BOX 9133			PAPER NUMBER	
CONCORD, MA 01742-9133			2684	

DATE MAILED: 05/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/866,895

Applicant(s)

XU ET AL.

Examiner

Sujatha Sharma

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-72 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-72 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1,9-11,13,21-23,25,33-35,37,45-47,49-72, are rejected under 35 U.S.C. 102(b) as being anticipated by Paavonen [US 5,634,197].

Regarding claims 1,9-11,13,21-23,25,33-35,37,45-47, Paavonen discloses a method of establishing a high priority call in a mobile radio system. Paavonen further discloses a method of

- receiving a request at a mobile station to originate a special service call (SCS), such as an emergency call. See col. 1, lines 38-44.
- coding a service type field in a request message to specify the SCS call. See col. 2, line 60 – col. 3, line 10 where the identifier identifies the high priority or the emergency call
- sending the request message from the mobile station to base station equipment for call setup within the private network. See col. 1, lines 38-44.

Regarding claims 49,54,55,60,61,66,67,72, Paavonen further discloses a method wherein the wireless communication system is deployed to provide call services to mobile stations operating in a private network, the method comprising the steps of:

- receiving a request message for a new special call services (SCS) call, wherein the request message specifies a private service that is specially supported by the private network. See col. 1, line 38 – col. 2, line 67

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- granting resources to service the new SCS call depending upon the private service specified in the request message and a state of other existing calls in the private network.

See col. 1, lines 38-59

Regarding claims 50,51,56,57,62,63,68,69, Paavonen further discloses a method comprising the step of dropping a normal call-in-process in the private network in order to accommodate the new SCS call. See col. 1, line 38 – col. 2, line 67

Regarding claim 52,58,64,70, Paavonen further discloses a method wherein the request message specifies a priority of the new SCS call. See col. 2, line 60 – col. 3, line 10 where the identifier identifies the high priority or the emergency call.

Regarding claims 53,59,65,71 Paavonen further discloses a method comprising the step of dropping a normal call-in-process in the private network in order to accommodate the new SCS call. See col. 1, line 38 – col. 2, line 67

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2-8,12,14-20,24,26-32,36,38-44,48,are rejected under 35 U.S.C. 103(a) as being unpatentable over Paavonen [US 5,634,197] in view of GSM standards 04.08 V7.1.2 Release 1998 (herein after GSM 4.08) and further in view of Admitted prior Art (APA page 3, lines 8-15).

Regarding claims 2,14,26,38, Paavonen as treated in claims 1 discloses all the limitations as claimed. However they do not disclose a method wherein the wireless communication system operates according to certain functional layers, including radio resource (RR) functional layer, a mobility management (MM) layer and a connection management (CM) layer, with the RR functional layer being normally assumed to be a transport mechanism for the MM and CM layer functions.

The applicant has admitted (herein after APA) on page 3, lines 8-15, the GSM standard for a wireless communication system operating according to certain functional layers, including radio resource (RR) functional layer, a mobility management (MM) layer and a connection management (CM) layer, with the RR functional layer being normally assumed to be a transport mechanism for the MM and CM layer functions.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to use the above taught GSM standard to implement the modified Paavonen's system as a best choice of engineering design.

Regarding claims 3,15,27,39, APA further discloses a GSM system. See page 3, lines 8-15.

Regarding claim 4,16,28,40, GSM 4.08 further teaches a method wherein the service type field in the SCS request message is defined using reserved GSM service type codes. See table 9.2.11, Fig. 10.5.77, and table 10.5.91.

Regarding claim 5,17,29,41, APA further discloses a method wherein the service request message is coded at a MM layer. See page 3, lines 4-22.

Regarding claim 6,18,30,42, Paavonen further discloses a method of detecting a newly added SCS call request and allocating resources to service the request depending upon the SCS cause type and a state of other call types already in progress. See col. 1, lines 38-50.

Regarding claim 7,19,31,43, Paavonen further discloses a method wherein the step of granting physical resources comprises of the step of dropping a normal call in progress in order to accommodate the SCS call if there are no other free physical resources left and prioritizing the SCS call. See col. 1, lines 38-50.

Regarding claim 8,20,32,44, Paavonen further discloses a method of allocating radio resources to the call that are reserved for servicing SCS calls. See col. 1, lines 38-50.

Regarding claim 12,24,36,48, GSM 4.08 further discloses a method of maintaining SCS cause table and upon receiving the request at the mobile station to originate the call, looking up

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the SCS cause table to determine if the call request can be a SCS request call i.e. prioritizing the call. See section 10.5.1.11, fig. 10.5.11 and table 10.5.11.

Response to Arguments

4. Applicant's arguments filed 11/17/2004 have been fully considered but they are not persuasive.

The applicant argues (on pages 16,17) that the special call services (SCS) call specifying a type of service that is specially supported by the private network is not disclosed by the primary reference Paavonen.

The examiner respectfully disagrees and draws the applicant's attention to Paavonen reference. Paavonen in col. 1, lines 38-47, discloses a method of handling special call services for example an emergency call service in a private network. Paavonen further discloses a method wherein a service type field i.e. specifying the call as a high priority call in a request message to specify the type of SCS call and supported by the private network is disclosed. See col. 2, line 44 – col. 3, line 10.

Therefore the rejection of the claims as discussed above is considered proper.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sujatha Sharma whose telephone number is 571-272-7886. The examiner can normally be reached on Mon-Fri 7.30am - 4.00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Sujatha Sharma
April 27, 2005


NAY MAUNG
SUPERVISORY PATENT EXAMINER